

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:			) Group Art Unit: 3679					
BURKART )		) Examiner: Not Yet Assigned						
Serial No.: 10/828,937 )			) <u>INFORMATION DISCLOSURE</u> ) <u>STATEMENT</u>					
Filed: A	pril 20,	2004	)					
Atty. File	le No.: 5	0011-00006 (4902-5-1)	) ) \ "EXPRESS MAIL" MAILING LABEL NUMBER: EV49347					
	For: "FENCE POST ACCESSORY APPARATUS"			DATE OF DEPOSIT: MARCH. 14, 2005  I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING				
Mail Stop: Amendments Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450			DEPOSITED WITH THE UNITED STATES POSTAL S VIA "EXPRESS MAIL" ADDRESSED TO THE COMM FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 2  TYPED OR PRINTED NAME: Chasity C. Rossum SIGNATURE: has for for the comment of the comm					
Sir:								
	The ref	erences cited on attached Form PT	O-144	9 are being called to the attention of the Examiner.				
	$\boxtimes$	Copies of the cited foreign patents and/or non-patent references are enclosed herewith.						
	$\boxtimes$	Copies of the cited U.S. patents and/or U.S. patent application publications are not enclosed						
in accord	dance w	ith the waiver dated July 11, 2003,	, where	eby patent applications filed after June 30, 2003 and				
internati	ional ap <sub>l</sub>	plications that have entered the nati	ional s	stage under 35 U.S.C. § 371 after June 30, 2003 need				
not subn	nit copie	es of U.S. patents and U.S. patent a	pplica	ation publications.				
		Are not enclosed, in accordance v	with 37	7 C.F.R. 1.98(d), because the references were				
	submitt	ed to the U.S. Patent and Trademan	rk Off	ice in prior application Serial No.				
	filed _	, which is relied t	upon f	for an earlier filing date under 35 U.S.C. § 120.				
	To the best of applicants' belief, the pertinence of the foreign-language references are							
believed to be summarized in the attached English abstracts and in the figures, although applicants do not								
necessar	necessarily vouch for the accuracy of the translation.							
	Examiner's attention is directed to the following co-pending application(s) for which priority							
is not being claimed, copies have been or are being submitted:								
		Serial No f	filed _	(Atty. Dckt. No)				
		Examiner's attention is directed to the following co-pending application(s), to which the						
current application claims priority, copies of at least the claims for such pending application are provided or								
have been provided:								
		Serial No f	filed _	(Atty. Dckt. No)				

Submission of the above information is not intended as an admission that any item is citable under the statutes or rules to support a rejection, that any item disclosed represents analogous art, or that those skilled in the art would refer to or recognize the pertinence of any reference without the benefit of hindsight, nor should an inference be drawn as to the pertinence of the references based on the order in which they are presented. Submission of this statement should not be taken as an indication that a search has been conducted, or that no better art exists.

It is respectfully requested that the cited information be expressly considered during the prosecution of this application and the references made of record therein.

### **FEES**

×	37 CFR 1.97(b): No fee is believed due in connection with this subm	ission, because the information disclosure statement				
	submitted herewith is satisfies one of the following conditions ("X" in	dicates satisfaction):				
	Within three months of the filing date of a nation	onal application other than a continued prosecution				
	application under 37 CFR 1.53(d), or					
	Within three months of the date of entry into the	ne national stage of an				
	international application as set forth in 37 CFR	1.491 or				
	Before the mailing date of a first Office Action	on the merits, or				
	Before the mailing of a first Office action after	the filing of a Request for				
	Continued Examination (RCE) under 37 CFR 1	.114.				
	Although no fee is believed due, if any fee is deemed due in connection	on with this submission, please charge such fee to				
	Deposit Account 19-1970.					
	37 CFR 1.97(c): The information disclosure statement transmitted herewith is being filed after all the above conditions (37					
	CFR 1.97(b)), but before the mailing date of one of the following con	ditions:				
	(1) a final action under 37 C.F.R. 1.113 or					
	(2) a notice of allowance under 37 C.F.R. 1.311, or					
	(3) an action that otherwise closes prosecution in the application.					
	This Information Disclosure Statement is accompanied by:					
	A Certification (below) as specified by 37 C.F.R. 1.97(e). Although no fee is believed due, if any fee is					
	deemed due in connection with this submission, please charge such fee to Deposit Account 19-1970.					
	OR					
	A check in the amount of \$180.00 for the fee set fort	th in 37 C.F.R. 1.17(p) for submission of an				
	information disclosure statement. Please credit any overpayment or cl	narge any underpayment to Deposit Account No. 19-				
	1970.					
	37 CFR 1.97(d): This Information Disclosure Statement is being subm	nitted after the period specified in 37 CFR 1.97(c).				
	This information Disclosure Statement includes a Certification (below) as specified by 37 C.F.R. 1.97(e)					
	AND					
	Applicants hereby requests consideration of the refere	nce(s) disclosed herein. Enclosed is the fee in the				
	amount of \$180.00 under 37 C.F.R. 1.17(p). Please credit any overpa	yment or charge any underpayment to Deposit				
	Account No. 19-1970. Please credit any overpayment or charge any	underpayment to Deposit Account No. 19-1970.				
	Election to pay the fee should not be taken as an indication that applic	eant(s) cannot execute a certification.				

Certification (37 C.F.R. 1.97(e)) (Applicable only if checked)	
☐ The undersigned certifies that:	
☐ Each item of information contained in this information disclosure statement was first cite any communication from a foreign patent office in a counterpart foreign application not mor than three months prior to the filing of this statement. 37 C.F.R. 1.97(e)(1). ☐ A copy of the communication from the foreign patent office is enclosed.	
OR	
No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contain this Information Disclosure Statement was known to any individual designated in 37 C.F. 1.56(c) more than more than three months prior to the filing of this statement. 37 C.F.R. 1.97(e)(2).	

Respectfully submitted,

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SHEET	1	OF	1	

**FORM PTO-1449** 

# U.S. DEPARTMENT OF COMMERCE

PATENT AND TRADEMARK OFFICE

ATTY. DOCKET NO. SERIAL NO. 50011-00006 (4902-5-1) 10/828,937

INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)

APPLICANT BURKART

FILING DATE April 20, 2004 GROUP ART 3679

## U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROP.
	1	6,619,627	9/16/2003	Salisbury et al.	256	1	
	2	6,585,398	7/1/2003	Haddad	362	328	
	3	6,425,676	7/30/2002	Lyons	362	152	
	4	5,911,501	6/15/1999	Katz	362	267	
	5	5,709,057	1/20/1998	Johnson, Jr. et al.	52	301	
	6	5,271,594	12/21/1993	Djelouah	248	523	
	7	5,055,984	10/8/1991	Hung et al.	362	183	
	8	4,171,523	10/16/1979	Parkitny	340	654	
	9	3,866,034	2/11/1975	Russo	240	2 B	

## FOREIGN PATENT DOCUMENTS

		DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION	
	DOCUMENT NUMBER					YES	NO
10	WO 93/13354	Jul. 8, 1993	РСТ	F21L	11/00		

OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)


EXAMINER

DATE CONSIDERED

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.